

Order

Michigan Supreme Court
Lansing, Michigan

February 20, 2018

Stephen J. Markman,
Chief Justice

155503

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 155503
COA: 335735
Wayne CC: 81-111187-FC;
92-500047-FC

JERRY RICK VanDIVER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the February 23, 2017 order of the Court of Appeals is considered. We DIRECT the Wayne County Prosecuting Attorney to answer the application for leave to appeal within 28 days after the date of this order. The prosecutor shall pay particular attention to Issue II and the defendant's request for DNA testing pursuant to MCL 770.16.

The application for leave to appeal remains pending.



d0209

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 20, 2018

Clerk